

1 MARK F. HAZELWOOD, # 136521  
2 LAURA S. FLYNN, # 148511  
3 LOW, BALL & LYNCH  
4 505 Montgomery Street, 7th Floor  
5 San Francisco, California 94111-2584  
6 Telephone: (415) 981-6630  
7 Facsimile: (415) 982-1634

Attorneys for Defendant  
BAY AREA RAPID TRANSIT DISTRICT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 PATRICIA NASH, ) NO. C 05 5307 VRW  
12 Plaintiff, )  
13 vs. )  
14 BAY AREA RAPID TRANSIT DISTRICT, DOES ) DECLARATION OF DAVID  
15 1- 40, ) SANBORN IN SUPPORT OF  
16 Defendants. ) DEFENDANT'S MOTION FOR  
 ) SUMMARY JUDGMENT, OR  
 ) ALTERNATIVELY, PARTIAL  
 ) SUMMARY JUDGMENT

I, David Sanborn, declare as follows:

18 1. I am the manager of the Environmental, Health and Safety Division of BART's System Safety  
19 Department. I have personal knowledge of the information contained below.  
20 2. My Department is responsible for, among other things, tracking, reporting and analyzing safety in  
21 the BART system. We keep records of any and all reported accidents that take place in the BART  
22 system. We also keep statistics of accidents and patronage in our database. In August of 2004, BART  
23 was named the #1 transit system in America by the American Public Transportation Association (APTA)  
24 in the category of providing 30 million annual passenger trips or more.  
25 3. Over the past seven years, over 600 million BART riders, including blind and visually impaired  
26 riders, were able to enter BART train cars safely without falling into the gap between two cars. BART  
27 statistics indicate that prior to plaintiff's fall, there were only two reported incidents involving visually  
28 impaired patrons falling through the gap between two BART cars during the past seven years. BART

1 has no records indicating that a blind person has ever been killed or severely injured as a result of falling  
2 between train cars on a platform.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
4 true and correct. Executed this 31 day of January 2008 in Oakland, California.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



DAVID SANBORN